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September 9, 2016

BY ECF

Hon. Ramon E. Reyes, Jr.
United States District Court
Eastern District of New York
225 Cadman Plaza East, Rm. N208
Brooklyn, NY 11201

Re: Howrilka v. City of New York, et al.
15 CV1113 (KAM) (RER)

Dear Magistrate Judge Reyes:

Pursuant to the Court's September 8th Order, the parties submit the following deposition schedule, and note their objections to matters relating to depositions:

<u>Party/Witness</u>	<u>Date/Time</u>
Plaintiff Howrilka	October 17th/10:30 a.m.
Defendant Bosch	October 13th/1:30 p.m.
Defendant Urena	October 28th/10:30 a.m.
Department of Education 30(b)(6)	
FG (Ms. Urena's son)	

Concerning Ms. Urena's deposition, the parties have agreed to conduct it on October 28th. Mr. Parlato informs me that he objects to Ms. Howrilka attending the deposition. As a party, she has the right to attend.

Ms. Howrilka also seeks to conduct a deposition of the New York City Department of Education, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure. Today, I provided notice to Messrs. Zimmerman and Parlato by email of the Notice of Deposition, and have mailed it as well. Mr. Zimmerman has indicated that he may be moving for a protective order to preclude such a deposition. If his motion is denied, then the parties agree to conduct the deposition on October 26, 2016.

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Concerning the deposition of Ms. Urena's son (FG), Mr. Parlatoe informed me this afternoon that he will not make him available. My recollection is that this is the first time that he has indicated that he would not make him available. Mr. Parlatoe believes that he has previously told me this. Regardless of who is correct, I have previously shared with the Court that Ms. Howrilka needs to depose him because Ms. Urena alleges that Ms. Howrilka called her house and spoke to him. Ms. Howrilka adamantly denies calling the house. Regardless, having identified him as a witness with knowledge critical to Ms. Howrilka's claims against all defendants, there is no basis not to produce him. If I have to subpoena him I will, but I would prefer not to – as of December 22, 2015, he was 14 years old.

Thank you for your consideration of these matters.

Respectfully submitted,

/s

Scott A. Korenbaum
Tobias Zimmerman
Timothy J. Parlatoe

SAK:sak

cc: Defense Counsel (by ECF)